

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ERNESTO MIGUEL HEREDIA,  
Plaintiff,  
v.  
WEST VALLEY STAFFING,  
Defendant.

Case No. 17-CV-04476-LHK

**ORDER TO SHOW CAUSE WHY CASE  
SHOULD NOT BE DISMISSED WITH  
PREJUDICE FOR FAILURE TO  
PROSECUTE**

Plaintiff Ernesto Heredia filed a complaint on August 7, 2017. ECF No. 1. On August 16, 2017, the Court granted Plaintiff's application to proceed in forma pauperis. ECF No. 4. The U.S. Marshals Service served the complaint on Defendant on August 25, 2017. ECF No. 8.

Pursuant to Civil Local Rule 16-9(a), the parties were required to file a joint case management statement by January 17, 2018. The parties did not file a joint case management statement. As a result, the Court on January 18, 2018 ordered the parties to file a joint case management statement by January 22, 2018. ECF No. 7. The parties did not file a joint case management statement.

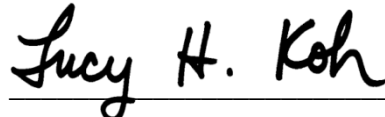
The Court held an initial case management conference on January 24, 2018. Both parties

1 failed to appear. Moreover, Plaintiff has failed to seek entry of default despite Defendant's failure  
2 to appear or otherwise defend the case.

3 Accordingly, the Court hereby orders Plaintiff to show cause why this case should not be  
4 dismissed with prejudice for failure to prosecute. Plaintiff shall file a written response to this  
5 order to show cause by February 7, 2018. A hearing on the order to show cause is hereby set for  
6 February 14, 2018 at 2:00 p.m. If Plaintiff fails to file a written response and fails to appear at the  
7 hearing, the Court will dismiss this case with prejudice for failure to prosecute.

8 **IT IS SO ORDERED.**

9  
10 Dated: January 24, 2018



LUCY H. KOH  
United States District Judge